

REMARKS

As a preliminary matter, Applicants thank the Examiner for the allowance of claim 20.

Claims 17-18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sakamoto (JP 06-194615). Applicants respectfully traverse this rejection because the cited reference does not disclose (or suggest) a plurality of structures, for controlling the spreading of dropping liquid crystal, which are formed on the substrate to which liquid crystal is dropped, as in claim 17 of the present invention, as amended.

Sakamoto discloses a liquid crystal element having two opposing substrates 1 and 2. (See Fig. A). Liquid crystal LC is dropped onto the substrate 1, and a plurality of structures 9a are formed on the substrate 2 that are pressed into the dropped liquid crystal when the opposing substrates are brought together. (See Fig. B). Sakamoto clearly shows that the structures 9a are not formed on the substrate (1) to which liquid crystal is dropped.

In contrast, claim 17 of the present invention recites among other things, that structures are provided for the controlling the spreading of dropping liquid crystal, and that these structures are located on the substrate to which the liquid crystal is dropped. Sakamoto does not teach or suggest either feature. First, the structures of the present invention control the spread of the liquid crystal *while* it is dropping. Sakamoto's structures 9a, on the other hand, cannot affect the liquid crystal until after all of it is dropped, and the two substrates are brought together in "superposed and pressurized" state.

Second, the significance of this difference between Sakamoto and the present invention is more clearly illustrated by the fact that the structures of the present invention are located on the bottom (dropping) substrate. By this unique structural arrangement, the structures of the present invention act to control the spread of dropping liquid crystal before the opposing substrates are even brought together. Accordingly, for at least these reasons, claim 17, and its dependent claim 18, are different from Sakamoto, and the Section 102 rejection should therefore be withdrawn.

Claim 19 stands rejected under 35 U.S.C. 102(b) as being anticipated by Koike et al. (JP 2001-209060). Applicants respectfully traverse this rejection because the cited reference is not prior art against the present Application. The Koike reference has a publication date of March 8, 2001, which is over nine months after the filing date of the present Application. Accordingly, this rejection must be withdrawn.

Claims 1-2 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al. (US 5,910,829) in view of Imai (JP 11-015007). Applicants respectfully traverse this rejection because neither of the cited references, whether taken alone or in combination, discloses or suggests a blue, a red, and a green colored layer all formed at an area of a shading film, but where only the blue colored layer is in contact with the sealing material, as in claim 1 of the present invention, as amended.

Shimada discloses a liquid crystal display device having a sealing member 133 sandwiched between two substrates 111, 130, and which contacts both a blue portion B and a

red portion R of the color filter 131. (See Fig. 15). Claim 1 of the present invention, on the other hand, has been amended to clarify that of the three colored layers formed at the area of the shading film, only the blue colored layer contacts the sealing material. Imai similarly fails to teach or suggest any such configuration. Accordingly, for at least these reasons, the Section 103 rejection of claim 1 of the present invention, and its dependent claim 2, is respectfully traversed.

Claims 5 and 6 of the present invention stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimano (JP 11-119230) in view of Koike. Applicants respectfully traverse this rejection for at least the reasons discussed above with respect to the Section 102 rejection of claim 19. Koike is not prior art against the present Application, and this rejection, therefore, must be withdrawn.

Claims 7-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimano in view of Koike, and further in view of Sakai et al. (US 6,222,603). Applicants respectfully traverse the rejection of these claims for the reasons discussed above. Koike is not prior art against the present Application, and this rejection must also be withdrawn.

Claim 9 again stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kijima et al. (US 6,259,500) in view of Imai. Applicants again point out to the Examiner that he has never included Kijima on any Form PTO-892 Notice of References Cited. The Examiner should immediately file such a paper, or withdraw this rejection. Applicants further respectfully traverse this rejection because neither of the cited references,

whether taken alone or in combination, discloses or suggests a sealing material having a portion overlapping with a shading film and an opening portion viewed from a direction vertical to the substrates, as in claim 9 of the present invention, as amended.

Fig. 8B of Kijima, as cited by the Examiner, shows a light reflection layer 19 and seal spacers 36 all formed between substrates 11. No portion of the seal spacers 36 is shown to overlap a shading film and/or an opening portion. Because claim 9 of the present invention, however, recites such features to its sealing material, this Section 103 rejection is respectfully traversed.

Claim 4 of the present invention stands rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' Admitted Prior Art ("AAPA") (as in Fig. 9) in view of Miyamoto et al. (JP 03-36525) and Hasegawa et al. (JP 09-090383). Except for the addition of the newly cited Miyamoto reference, this rejection is identical to the previous rejection. Applicants therefore respectfully traverse this rejection for the reasons of record, and as follows. None of the cited references, whether taken alone or in combination, disclose or suggest a transfer electrically connected to both substrates via a transfer pad, and that colored particles are formed at lower portions of a shading film formed on one of the substrates.

First, the Examiner erroneously asserts that all of Fig. 9 of the present Application is prior art. In fact, the accompanying description to Fig. 9 teaches that only the transfer 231 shown in the drawing is "prior art." Nothing else in this description is disclosed to be prior art. The Examiner therefore has inappropriately based at least a portion of his

rejection on Applicants' own novel disclosure in the present Application, which is an impermissible use of hindsight, by definition. For at least these reasons, the rejection should be withdrawn.

The rejection should also be withdrawn because the Examiner has still not established a *prima facie* case of obviousness against claim 4. The Examiner has not cited to anywhere in the prior art for a teaching that a transfer having colored particles is formed at the lower portion of the shading film, as clearly recited in the present invention. The Examiner has similarly failed to cite to where in the prior art may be found a light incident hole opened at the shading film of the transfer, as also clearly recited in claim 4.

Claim 4 of the present invention does not merely recite just the several elements of the present invention that the Examiner has selectively picked and chosen from several prior art references. Claim 4 also recites the relative location and configuration of these several elements. In a rejection based on obviousness, a *prima facie* case cannot be made without a clear teaching or suggestion in the prior art for such clearly recited configurations. These relative configurations are features of the present invention which, in of themselves, may render the present invention patentably distinct. In the present case, however, the Examiner has not even asserted that such configurations exist in any of the cited prior art.

Specifically, claim 4 clearly features that the transfer (which has colored particles) is formed at the lower portion of the shading film, and is electrically connected to

both substrates. Neither Miyamoto nor Hasegawa teaches nor suggests such features. Hasegawa, in fact, teaches nothing about transfers at all. Hasegawa could not therefore, in any way, teach to form the transfer of colored particles, at the lower portion of the shading film, or electrically connected to both substrates.

Miyamoto teaches a transfer material 4, but nothing of how this transfer material 4 can be formed at the lower portion of a shading film. In fact, the portion of Miyamoto cited by the Examiner does not even teach or suggest a shading film with its transfer material 4. Additionally, Miyamoto teaches to form its transfer material by incorporating a black dye into a silver paste. This formation is quite different from the present invention, which recites a transfer having colored particles. A uniform black dye is not the same as colored particles. For at least these reasons, the Section 103 rejection of claim 4 is respectfully traversed.

Additionally, none of the prior art teaches a light incident hole opened at the shading film above the transfer. As discussed above, Hasegawa fails to even teach or suggest a transfer. Miyamoto, on the other hand, fails to teach or suggest any light incident hole open at the shading film, or even a shading film at all. In a rejection based on obviousness, the Examiner is required to cite to where in the prior art is the motivation for combining several prior art references. Without such a clearly taught motivation, the combination of several features from separate references is an impermissible use of hindsight, where the only linkage of the disparate elements is the teaching in the present Application itself. In the

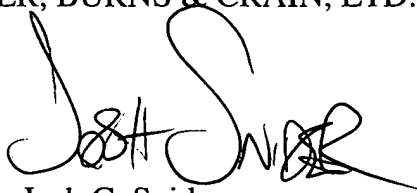
present case, the Examiner has thus demonstrated such a impermissible use of hindsight. None of the cited prior art teaches or suggests to provide a light incident hole opened at the shading film above the transfer. Only the present Application, in its text portions which are not prior art, provides a motivation to do so. Accordingly, for at least these additional reasons as well, the Section 103 rejection of claim 4 is respectfully traversed, and should be withdrawn.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-2, 4-9, and 17-20, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned Attorney if an interview would expedite prosecution.

Respectfully submitted,

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December 31, 2003

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